

Notice of Allowability

Application No.

10/820,354

Applicant(s)

YU, ZHI-JIAN

Examiner

Gregory R. Del Cotto

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amend. filed 5/30/06.
2. ☒ The allowed claim(s) is/are 1-22, 33 renumbered 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/16/06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

GREGORY DELCOTTO
PRIMARY EXAMINER



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nicole Bradley on August 14, 2006.

The application has been amended as follows:

The Specification:

On page 4, line 11, after "C₁₃₋₁₇", delete "alkylamine" and insert – alkyl --.

On page 5, line 10, after "C₁₃₋₁₇", delete "alkylamine" and insert – alkyl --.

On page 11, line 1, after "C₁₃₋₁₇", delete "alkylamine" and insert – alkyl --.

On page 27, line 2, after "C₁₃₋₁₇", delete "alkylamine" and insert – alkyl --.

On page 29, line 14, after "C₁₃₋₁₇", delete "alkylamine" and insert – alkyl --.

On page 33, line 12, after "C₁₃₋₁₇", delete "alkylamine" and insert – alkyl --.

The Abstract:

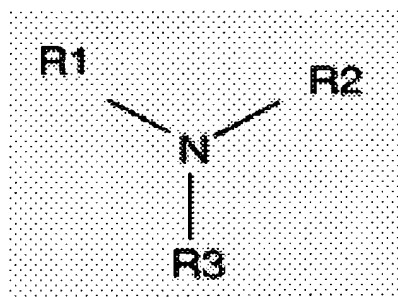
In the Abstract, line 4, after "C₁₃₋₁₇", delete "alkylamine" and insert – alkyl --.

The Claims:

In claim 1, line 1, after "solution" insert – for contact lenses --.

Art Unit: 1751

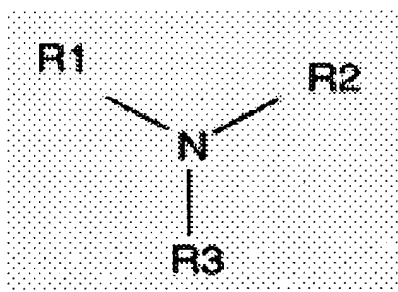
In claim 1, line 3, delete "selected from the group consisting of a primary alkylamine, a secondary alkylamine, and a tertiary alkylamine, wherein the alkylamine comprises a C₁₃₋₁₇ alkyl; and" and insert – having the following formula



where R1 is a C₁₃₋₁₇ alkyl and R2 and R3 are each independently H or CH₃; --.

In claim 1, line 9, delete "solubilize the alkylamine to a concentration effective for the alkylamine to exert an antimicrobial effect" and insert – render the alkylamine soluble in the aqueous solution without neutralizing the alkylamine antimicrobial activity --.

In claim 9, line 5, delete "selected from the group consisting of a primary alkylamine, a secondary alkylamine, and a tertiary alkylamine, wherein the alkylamine comprises a C₁₃₋₁₇ alkyl; and" and insert – having the following formula



where R1 is a C₁₃₋₁₇ alkyl and R2 and R3 are each independently H or CH₃; --.

In claim 9, line 11, delete "solubilize the alkylamine to a concentration effective for the alkylamine to exert an antimicrobial effect" and insert – render the alkylamine

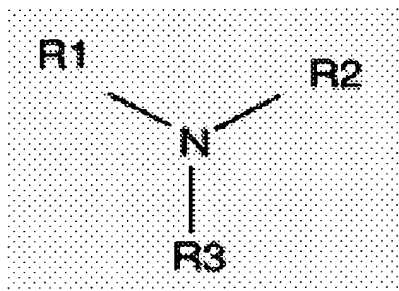
Art Unit: 1751

soluble in the aqueous solution without neutralizing the alkylamine antimicrobial activity

--.

In claim 33, line 1, after "solution" insert – for contact lenses --.

In claim 33, line 4, delete "selected from the group consisting of a primary alkylamine, a secondary alkylamine, and a tertiary alkylamine, wherein the alkylamine comprises a C₁₃₋₁₇ alkyl; and" and insert – having the following formula



where R1 is a C₁₃₋₁₇ alkyl and R2 and R3 are each independently H or CH₃; --.

In claim 33, line 10, after "surfactant" insert – that is present in the solution --.

In claim 33, line 10, delete "in cleaning a contact lens contacted with said solution" and insert – to render the alkylamine soluble in the aqueous solution without neutralizing the alkylamine antimicrobial activity --.

Cancel claims 23-32.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Note that, Applicant's amendment, Applicant's arguments, and the Examiner's Amendment are sufficient to place the instant claims in condition for allowance. Note that, the specification has been corrected to read C13-17 "alkyl" instead of "alkylamine"

Art Unit: 1751

which was an obvious error on the part of Applicant. Of the references of record, the most pertinent is Gross et al (US 4,891,150). Gross et al teach a cleansing and descaling agent which includes citric acid and thickeners. The thickeners are chosen from a group including an alkyl alcohol ether sulfate, an amphoteric surfactant, a nonionic surfactant, an amine or alkoxylated amine, and a combination thereof. The present invention also includes a process for producing the present descaling agent and a process for using the present descaling agent. See Abstract. However, Gross et al do not teach a composition containing a combination of alkylamine, nonionic surfactant, and the other requisite components of the composition containing the specific amount of alkylamine as recited by the instant claims. Furthermore, Gross et al is drawn to a drawn to a cleaning composition suitable for descaling toilets and other sanitary installations which is completely unrelated to a composition for cleaning/treating contact lenses as recited by the instant claims.

None of the references of record, alone or in combination, teach or suggest a multi-purpose solution for contact lenses containing an alkylamine, a nonionic surfactant, a buffer, a viscosity inducing component, a chelating component, a tonicity component, water, and the other requisite components of the composition in the specific amounts as recited by the instant claims. Accordingly, since the prior art fails to teach or suggest such a composition as recited by the instant claims, the instant claims are deemed allowable.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gregory R. Del Cotto
Primary Examiner
Art Unit 1751

GRD

Application/Control Number: 10/820,354

Page 7

Art Unit: 1751

August 15, 2006